

JTR

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Diane L Davidson
551 east 89th street
Chicago Illinois 60645
(Name of the plaintiff or plaintiffs)

16CV7058
JUDGE GOTTSCHALL
MAG. JUDGE GILBERT

v.
Chicago State University
9500 South King Drive
Chicago Illinois 60628
(Name of the defendant or defendants)

FILED

JUL 07 2016
7-7-16 JTR
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is Diane L Davidson of the
county of Cook in the state of Illinois.

3. The defendant is Chicago State University, whose
street address is 9500 South King drive,

(city) Chicago (county) Cook (state) Illinois (ZIP) 60628

(Defendant's telephone number) (773) - 995-2000

4. The plaintiff ~~sought employment or was~~ ^{is} employed by the defendant at (street address)

9500 South King drive (city) Chicago

(county) Cook (state) IL (ZIP code) 60628

5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
(b) ☒ was hired and is still employed by the defendant.
(c) ☐ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,
(month) Feb., (day) 11, (year) 2014.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

(a) The defendant is not a federal governmental agency, and the plaintiff [*check one box*] ☐ ~~has not~~ ☒ ~~has~~ filed a charge or charges against the defendant asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission, on or about
(month) March (day) 25 (year) 2014.
(ii) ☒ the Illinois Department of Human Rights, on or about
(month) March (day) 25 (year) 2014.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. ☒ YES. ☐ NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

- (a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☒ Yes (month) _____ (day) _____ (year) _____

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month) _____
(day) _____ (year) _____.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not issued
a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a
Notice of Right to Sue, which was received by the plaintiff on
(month) April (day) 20 (year) 2016 a copy of which
Notice is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [**check only those that apply**]:

(a) ☒ Age (Age Discrimination Employment Act).

(b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☒ Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.

12. The defendant [*check only those that apply*]

- (a) ☐ failed to hire the plaintiff.
 - (b) ☐ terminated the plaintiff's employment.
 - (c) ☒ failed to promote the plaintiff.
 - (d) ☐ failed to reasonably accommodate the plaintiff's religion.
 - (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
 - (f) ☐ failed to stop harassment;
 - (g) ☐ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
 - (h) ☐ other (specify): _____
-

13. The facts supporting the plaintiff's claim of discrimination are as follows:

I began working for defendant on September 1, 2005 as a building service worker. I am female. I applied for a sub foreman position in or around January 2014. I was 51 years old. I was qualified and in fact had worked as both an acting sub foreman and acting foreman for (see A Hatched

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☐ Direct the defendant to re-employ the plaintiff.
- (c) ☒ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ Direct the defendant to (specify): _____

(g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

Diane L. Dandson

(Plaintiff's name)

Diane L Dandson

(Plaintiff's street address)

551 east 89th street near
Chicago IL 60611

(City) _____ (State) _____ (ZIP) _____

(Plaintiff's telephone number) (773) - 707 - 7032

Date: 7.7.16

Defendant prior to applying. On February 11, 2014 I was not promoted to Sub-Foreman. Defendant did not give me any reason for denying me that promotion - Defendant instead promoted a less qualified younger (under 40) male Marsha Hooker. One of the people who interviewed me for the position, Charles Frazier (male, 50's) frequently made ^{negative} comments about my sex. Several occasions he refused to help me, stating, I was "half man" any way.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Diane L. Davidson
c/o Stephen Stern, Esq.
Law Offices of Stephen Stern
36 W. Randolph Street, Suite 505
Chicago, IL 60601

From: Chicago District Office
500 West Madison St
Suite 2000
Chicago, IL 60661

rec'd 4/20/16

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

21B-2014-01247

Daniel Lim,
State & Local Coordinator

(312) 869-8082

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☐

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☒

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Julianne Bowman/lt

April 18, 2016

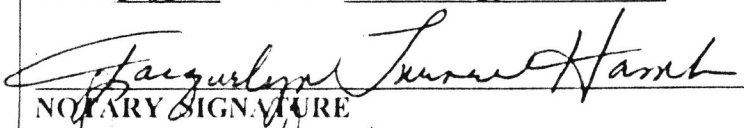

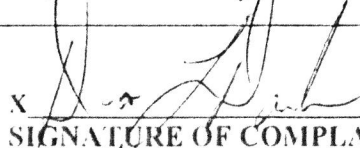
Enclosures(s)

Julianne Bowman,
District Director

(Date Mailed)

cc:

CHICAGO STATE UNIVERSITY
c/o Janelle M. Carter, Esq.
9501 S. King Drive
ADM 318
Chicago, IL 60628

CHARGE OF DISCRIMINATION		AGENCY <input checked="" type="checkbox"/> IDHR <input type="checkbox"/> EEOC	CHARGE NUMBER 2014CA2460
This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form. <div style="text-align: center;"># 14W0325.03</div>			
Illinois Department of Human Rights and EEOC			
NAME OF COMPLAINANT (indicate Mr. Ms. Mrs.) Ms. Diane L. Davidson		TELEPHONE NUMBER (include area code) (773) 707-7032	
STREET ADDRESS 551 East 89 th Street, 1rear		CITY, STATE AND ZIP CODE Chicago, Illinois 60619	DATE OF BIRTH 8/27/62 M D YEAR
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)			
NAME OF RESPONDENT Chicago State University		NUMBER OF EMPLOYEES, MEMBERS 15+	TELEPHONE NUMBER (include area code) (773) 995-2000
STREET ADDRESS 9500 South King Drive		CITY, STATE AND ZIP CODE Chicago, Illinois 60628	COUNTY Cook
CAUSE OF DISCRIMINATION BASED ON: Sex Sexual Orientation Age		DATE OF DISCRIMINATION EARLIEST (ADEA/EPA) LATEST (ALL) 2/11/14 2/11/14 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS OF THE CHARGE ARE AS FOLLOWS:			
<p>I. A. ISSUE/BASIS</p> <p style="text-align: center;">FAILURE TO PROMOTE – FEBRUARY 11, 2014, BECAUSE OF MY AGE, 51</p> <p>B. PRIMA FACIE ALLEGATIONS</p> <ol style="list-style-type: none"> 1. My age was 51 at the time of the alleged violation. 2. Respondent had a position available for Sub-Foreman. 3. I applied and I am qualified for the position of Sub-Foreman. 			
Page 1 of 2 I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		SUBSCRIBED AND SWORN TO BEFORE ME THIS <u>25</u> DAY OF <u>March</u> , 2014.  NOTARY SIGNATURE	
 NOTARY STAMP		X  SIGNATURE OF COMPLAINANT DATE <u>2/11/14</u>	
I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.			

Charge Number: 2012460
Complainant: Diane L. Davidson
Page 2 of 2

4. On February 11, 2014, Respondent failed to promote me to Sub-Foreman.
No reason was given.

5. Respondent promoted Marshon Hooker, a less qualified younger
applicant under the age of 40 to the position of Sub-Foreman.

II. A. ISSUE/BASIS
FAILURE TO PROMOTE – FEBRUARY 11, 2014, BECAUSE OF MY SEX,
FEMALE

B. PRIMA FACIE ALLEGATIONS

1. My sex is female.

2. Respondent had a position available for Sub-Foreman.

3. I applied and I am qualified for the position of Sub-Foreman.

4. On February 11, 2014, Respondent failed to promote me to Sub-Foreman.
No reason was given.

5. Respondent promoted a less qualified male applicant, Marshon Hooker,
to the position of Sub-Foreman.

6. Respondent failed to promote me because I do not conform to
Respondent's sex-stereotype of a biological female at birth.

III. A. ISSUE/BASIS
FAILURE TO PROMOTE – FEBRUARY 11, 2014, BECAUSE OF MY
SEXUAL ORIENTATION, LESBIAN

B. PRIMA FACIE ALLEGATIONS

1. My sexual orientation is lesbian.

2. Respondent is aware of my sexual orientation.

3. Respondent had a position available for Sub-Foreman.

4. I applied and I am qualified for the position of Sub-Foreman.

5. On February 11, 2014, Respondent failed to promote me to Sub-Foreman.
No reason was given.

6. Respondent promoted a less qualified heterosexual applicant, Marshon
Hooker, to the position of Sub-Foreman.